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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,883

03/23/2005

Jean-Marc Tridon

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6690

466

7590

08/15/2008

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,883	Applicant(s) TRIDON ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-55 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Claims 29-40 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

3. Claims 29-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29 and 41 and their dependent claims are rejected as indefinite in depending from a method claim. The particulars of the method should be inserted in the preamble of claims 29 and 41 and these should be made independent claims.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9-17, 25, 41 and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slyk in view of Matos et al.

Slyk discloses the basic claimed method of obtaining an optical lens from a polymerizable material and device therefor, the primary reference teaching a mold made of two spaced apart shells (10 and 11) and an annular seal (15) comprising means (18 and 19) for cooperating with the periphery of the shells to define a molding

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cavity, the seal being flexible (col. 2, lines 59-61) to allow for an elastic compression thereof during the forming of the lens (col. 3, lines 30-34) and having a fill hole (see Fig. 4) provided in the annular seal away from means 10 and 11. Given that the mold assembly must be assembled prior to introducing the polymerizable material into the mold cavity, it is submitted inherent in the method and the device that the mechanical external force supplied by the spring clamp 20 is being applied prior to and during the filling of the material into the mold cavity. Essentially, the primary reference fails to explicitly disclose that the mold shells are moved together prior to releasing the external force. Matos et al discloses a lens molding method and device wherein a force is applied to two molding shells (20 and 23) located within a nest structure (30) to ensure that the shells and polymerizable material stay in intimate contact during the curing—and shrinkage-- of the material. It is well known in the art that lens formulations typically shrink during curing and one of ordinary skill in the art would have ensured that the clamp arrangement of the primary reference would compensate for this shrinkage and move the shells toward each other during the curing to ensure the accurate formation of the lens. It is submitted that the additional limitations of the dependent claims are conventional and would have been within the skill level of the art. For instance, a boss around the filling hole would have been obvious to ensure proper filling. Actuators and a control center would have been obvious to ensure that the mold cavity is accurately filled and the polymerizable material evenly cured. Sleeves would be an obvious mechanical equivalent to the arm (35) of Matos et al. The instant receiving unit of

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claims 15-17 and 46-48 is submitted to be obvious over the nest (30) structure of Matos et al.

5. Claims 2-4, 18-24, 26-28 and 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slyk in view of Matos et al and Sarofeen.

Slyk and Matos et al disclose the basic claimed method and device as set forth in paragraph 4, supra, the references essentially lacking the aspect of a plug for plugging the hole in the seal and a plugging station. Sarofeen discloses a plug (22 and 24) that is used to plug the holes made in a gasket and such would have been an obvious modification to the method and device of Slyk to ensure that the hole remains plugged. It would have been obvious to have set up filling and plugging stations adjacent to each other so that the processing would be streamlined. Employing a blind hole would have been an obvious feature over the holes shown in either of Slyk or Sarofeen.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
August 13, 2008

/Mathieu D. Vargot/
Primary Examiner, Art Unit 1791